FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8176 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R.S. Datar for petitioner.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. RCS No. 7 of 1992 was dismissed by the learned Civil Judge, J.D. Karjat by judgment and order dated 28/6/2005. Being aggrieved by the said dismissal order, the plaintiff filed Appeal No.98 of 2005 before the District Court at Alibag-Raigad. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 10/7/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide

the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)